

## **IC 20-5-20**

### **Chapter 20. Conveyances by Gift or Bequest**

## **IC 20-5-20-1 Repealed**

*(Repealed by P.L.1-1989, SEC.75.)*

## **IC 20-5-20-2**

### **Conditions on devise or bequest; annexation**

Sec. 2. Any such common school corporation which has heretofore acquired or shall hereafter acquire any personal property or real estate by gift, devise or bequest, in respect of which, the donor or testator at the time of making the same, has annexed or may annex conditions or directions concerning the manner in which the same shall be held, used, enjoyed or disposed of, shall hold, use, enjoy and dispose of the same agreeably to the terms and conditions so imposed by the donor or deviser.

*(Formerly: Acts 1901, c.241, s.2.)*

## **IC 20-5-20-3**

### **Unconditional devise or bequest; expenditure of principal and interest**

Sec. 3. In every case where any such common school corporation has acquired or shall acquire any personal property or real estate by gift, devise, or bequest, in respect of which, the donor or testator, at the time of making the same, has not or shall not annex conditions or directions concerning the same inconsistent with the requirement of this section, the principal of such gifts, devises, and bequests shall be inviolate, but the interest, rents, incomes, issues, and profits thereof may be expended by such school corporation. Such interest, rent, incomes, issues, and profits shall not be devoted to the payment of any obligation of the corporation incurred before the property was acquired, nor to the payment of the salaries or wages of teachers of the branches commonly and generally taught in the public schools, or for school or library officers or employees, nor to the purchase of ordinary school furniture or supplies of the character required by the corporation to be paid for from the current income or revenue coming to it from taxes or by operation of law, but the same may be devoted to any public educational or public library or kindred purpose, for which, in the judgment of the managing board or trustee of the corporation, adequate financial provision shall not have been made by law. If, in the judgment of such board or trustee, it seems wise to invest the principal of the gift, devise, or bequest in the erection or equipping, or both, of a building to be devoted to some special use of a public educational or library character, and the expressed will of the donor or testator will not thereby be violated, the principal may be so used, anything in this chapter to the contrary notwithstanding, but this provision shall not be construed to permit its use for the building or equipping of buildings for the ordinary graded or high schools.

*(Formerly: Acts 1901, c.241, s.3.) As amended by P.L.2-1988,*

SEC.552.

#### **IC 20-5-20-4**

##### **Authorization to appoint trustees to manage property**

Sec. 4. If, in the judgment of the board of trustees or school commissioners of any corporation coming under the terms of this chapter, it would be wise to appoint a trustee or trustees to hold the title to any such property, real or personal, acquired by it in the manner mentioned in this chapter, unless the wish and will of the donor or testator expressed as aforesaid would thereby be violated, and to invest the principal and pay over from time to time only the net interest, rents, issues, incomes, and profits of the fund to the school corporation for use as in this chapter provided, such school corporation is hereby authorized and empowered to name and appoint such trustee or trustees, and to vest in him or them the title to such property, subject to such trust and powers as the school corporation may impose, not inconsistent with the wish or will of the donor or testator expressed as aforesaid, or of the provisions of this chapter applicable to such property in case no such transfer to a trustee has been made. Provided, that if the managing board of such school corporation shall consist of fewer than three (3) persons, and the school corporation elects to have the property held and managed by trustees, the corporation shall establish the terms of the trust and make the conveyance, but the trustees shall in such case be not fewer than three (3) and shall be named and appointed by the judge of the circuit court of the county in which the school corporation is domiciled.

*(Formerly: Acts 1901, c.241, s.4.) As amended by P.L.2-1988, SEC.553.*

#### **IC 20-5-20-5**

##### **Purpose and construction of chapter**

Sec. 5. It is the main purpose of this chapter that the identity of the principal of gifts and benefactions of friends of the state's public schools may not be lost and that the income from their investment shall be used in giving to schoolchildren the public education and library advantages that could not be enjoyed if only the school and library revenue and income provided by law were available, but nothing in this chapter shall be construed as a limitation against the investment and reinvestment either by the school corporation itself or the trustees appointed agreeably to this chapter, from time to time, as the safety of the fund or the best interests of the corporation may, to the school corporation to which it is given, seem to require.

*(Formerly: Acts 1901, c.241, s.5.) As amended by P.L.2-1988, SEC.554.*